



# PUBLIC ANNOUNCEMENT

GENERAL PERMIT: \_\_\_\_\_ 15926(02)

DATE: \_\_\_\_\_ 14 March 2000

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## U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

**TO WHOM IT MAY CONCERN:** This District has extended and amended a Department of the Army General Permit, as described below.

**SPONSOR:** U.S. Army Corps of Engineers, Galveston District

**WATERWAY AND LOCATION:** Navigable waters of the United States within the Galveston District.

**SCOPE OF WORK:** Work authorized by this General Permit will apply only to canals dredged in upland areas, whose primary purpose is recreational or commercial navigation in waters of the United States.

**BACKGROUND:** A Public Notice for this permit was issued on 3 January 2000 and recommendations were received from Federal, State, local agencies, and the general public. Based on our review of this General Permit, the following special condition was added:

Water quality certification must be applied for through, and approved by, the Texas Natural Resources Conservation Commission for the discharge of effluent from an upland disposal area, if the project is located in the Texas portion of the Galveston District.

The purpose for this General Permit is to expedite the authorization of such operations subject to the limitations and conditions described in the attached copy of the permit. The special conditions incorporated into the permit must be adhered to. Applicants seeking authorization under this General Permit must submit plans on 8 ½ by 11 inch format. For additional information on the application procedures, please refer to Sheet 2b of the aforementioned permit.

If there are any questions relative to this public announcement, please contact Mr. Mark King at the above address or by telephone at 409-766-3991.

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS

## DEPARTMENT OF THE ARMY PERMIT

Permittee U.S. Army Corps of Engineers, Galveston District (General Permit)

Permit No. 15926(02)

Issuing Office Galveston District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To maintenance dredge existing authorized artificial upland canals used primarily for recreational and commercial navigation to depths as specified in the attached special conditions when all dredged material is placed in upland placement areas.

Project Location: in navigable waters of the United States at locations within the Galveston District.

### Permit Conditions:

#### General Conditions:

1. The time limit for completing the work authorized ends on 31 December 2010. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

See attached Sheets 2a, 2b, and 2c with Special Conditions, Duration of General Permit, Duration of Individual Authorization and the Request for Authorization under the Permit.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

( ) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.

**SPECIAL CONDITIONS:**

- a. That this General Permit authorizes maintenance dredging in artificial upland canals only, which are defined as man-made canals used primarily for navigation which do not contain submergent and/or emergent vegetation within the canal.
- b. That no work shall be done until the applicant submits satisfactory plans for the proposed activity and receives written acknowledgment of authorization from the District Engineer.
- c. That the area of the proposed work shall be inspected on a case by case basis by Corps of Engineers personnel prior to acknowledgment of authorization being given. The inspection may use aerial photographs, a visit to the site, or both.
- d. That industrial canals previously authorized by individual permits may be maintenance dredged to the depth of 16 feet mean low tide, to the depth specified by the individual permit, or to the minimum depth required by existing vessel traffic, whichever depth is least.
- e. That residential and recreational canals (i.e., subdivision canals, marinas, etc.) and all canals constructed prior to December 18, 1968 may be maintenance dredged to a depth of 6 feet below mean low tide, to the depth authorized in the individual permit, or the minimum depth required by existing vessel traffic, whichever depth is least.
- f. That no discharges of dredged or fill material into jurisdictional wetlands or waters of the United States will occur. Disposal, stockpiling, or double handling of dredged material in waters of the United States is not authorized by this permit. That if hydraulic dredging is utilized, all dredged material must be placed in a contained (leveed) upland disposal area with a controlled spillway. Whenever practicable, effluent from the disposal areas should be directed back to the canal from which dredge material was taken. Such levees and spillway locations must be shown on the application.
- g. That the work is not likely to affect species, or to modify the critical habitat of such species, which have been listed as threatened or endangered under the Endangered Species Act.
- h. That no work shall be performed until 30 days after notification of the owner or operator of any marked utilities in the area of work.

i. That applicants shall not conduct activities under this General Permit on Louisiana State wildlife management areas or refuges, or any canals which connect with any Louisiana's natural and scenic streams.

j. That the permittee is required to coordinate the use of previously authorized Corps of Engineers disposal areas with the Corps of Engineers Operations and Maintenance Branch prior to commencement of work.

#### DURATION OF GENERAL PERMIT:

This General Permit will cover activities which occur prior to December 31, 2005, unless it is revoked in the interim. Revoking the General Permit will not affect the work that has been authorized when the General Permit was in effect.

#### DURATION OF INDIVIDUAL AUTHORIZATION:

Each individual project authorized under this General Permit must be completed by the date specified in the Letter of Acknowledgment.

#### REQUEST FOR AUTHORIZATION UNDER THIS PERMIT:

IN ORDER TO BE AUTHORIZED-BY THIS PERMIT, PERSONS PROPOSING THE WORK ARE REQUIRED TO SUBMIT TO THE DISTRICT ENGINEER, IN WRITING, THE FOLLOWING INFORMATION:

a. The applicant will furnish a description of the work along with plans and a written request for authorization to perform the work and a telephone number at which he can be reached during normal working hours. The standard application form (ENG Form 4345) shall be used, with a note indicating that General Permit authorization is desired. The written description and drawings should provide the following information.

(1) The dredging method(s) that will be used.

(2) Plan view drawings that show the area to be dredged, with dimensions, and the location of disposal sites for the dredged material.

(3) Typical cross section view(s) showing mean high and mean low tide level, the existing depth of the canal, and the proposed depth after maintenance dredging.

(4) A note on the drawing, indicating the total volume of material to be dredged.

(5) All drawings are to 8 1/2 by 11 inches, of reproducible quality and submitted in the fewest number of sheets necessary to adequately show the proposed activity.

(6) Water quality certification from the Louisiana Department of Natural Resources must be received separately if the project is in the Louisiana portion of Galveston District.

(7) Water quality certification must be applied for through, and approved by, the Texas Natural Resources Conservation Commission for the discharge of effluent from an upland disposal area if the project is located in the Texas portion of the Galveston District.

b. Application must be checked against aerial photographs, permit files, and other records available. Field investigation of the site may be necessary to substantiate aerial photograph interpretation. We anticipate that most applications under this General Permit will be processed within 2-3 weeks from the date received.

c. If the District Engineer determines that the proposed work meets the provisions of the General Permit, and no extraordinary conditions exist that would warrant processing as an individual permit, he will notify the applicant by Letter of Acknowledgment.

d. If the District Engineer determines that the proposed work does not meet the provisions of the General Permit, or that extraordinary conditions exist, he will notify the applicant that the application must be processed as an individual permit.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
  - a. You fail to comply with the terms and conditions of this permit.
  - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

\_\_\_\_\_  
(PERMITTEE)

\_\_\_\_\_  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

\_\_\_\_\_  
(DISTRICT ENGINEER)  
**FRED ANTHAMATTEN**  
**CHIEF, POLICY ANALYSIS SECTION**  
**FOR COLONEL NICHOLAS J. BUECHLER**

\_\_\_\_\_  
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFeree)

\_\_\_\_\_  
(DATE)